

REMARKS

In view of the above amendments and the following remarks, reconsideration of the objections and rejections is respectfully requested.

The specification and abstract have been reviewed and revised to improve their English grammar and U.S. form, as well as address the informalities identified in section 4 of the Office Action. The amendments to the specification and abstract have been incorporated into a substitute specification and abstract. Attached are two versions of the substitute specification and abstract, including a marked-up version showing the revisions, as well as a clean version. No new matter has been added.

Original claims 2, 3, 5, and 10 were rejected to on the basis of improper form. However, claims 1-13 have been canceled without prejudice or disclaimer to the subject matter contained therein and replaced by new claims 14-25. Thus, the formal objections are considered moot based on the cancellation of original claims 1-13.

Original claims 12 and 13 were rejected under 35 U.S.C. §101 for failure to recite statutory subject matter. However, these rejections are considered moot based on the cancellation of original claims 12 and 13. Furthermore, because each of the new claims recite patentable subject matter, it is submitted that the Examiner's rejections under 35 U.S.C. §101 are inapplicable to the new claims.

Original claims 1 and 5-13 were rejected under 35 U.S.C. §102(b) as being anticipated by Noreen et al. (U.S. Patent Application Publication #2002/0183059 A1). Original claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen in view of Higuchi (U.S. Patent Application Publication #2002/0045445 A1). Further, original claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen in view of Higuchi and in further view of Suda et al. (U.S. Patent Application Publication #2004/0102159 A1). However, because the original claims have been cancelled and replaced with new claims 14-25, as explained above, the former rejections are considered moot. Moreover, the rejections are believed clearly inapplicable to the new claims for the following reasons.

The mobile terminal of new claims 14-25 is capable of receiving information identical in content from alternate sources. Specifically, the mobile terminal is capable of receiving and

reproducing a broadcast program, and upon a determination that the reception state of the broadcast program has deteriorated, the mobile terminal is capable of sending program information for identifying the broadcast program received, and of receiving program data identical in content to the broadcast data.

On the other hand, Noreen teaches a system/method, wherein, when the subscriber identifies a program segment of interest, the subscriber can manually press a button and send a signal to a network. The subscriber can subsequently receive information, from home or office, relating to the subject matter of the program segment.

The distinguishing features of new claims 14-25 in relation to the prior art of record are discussed in more detail below.

New Claims 14-22 are Patentable Over the Prior Art of Record

New independent claim 14 recites a mobile terminal operable to receive a broadcast program and receive program data which is identical in content to the broadcast program, the mobile terminal including in part, (1) a receiver section for receiving the broadcast program; (2) a state determining section for *determining whether the reception state of the broadcast program has become a deteriorated reception state*; (3) a program information generating section for generating program information which identifies the broadcast program received by the receiver section; (4) a communication section for transmitting the program information to a program distribution center, and, according to the program information transmitted to the program distribution center, *and for receiving from the program distribution center the program data identical in content to the broadcast program (i.e., a section of the mobile terminal receives the program data identical in content to the broadcast program)*; and (5) a reproducing section for reproducing the broadcast program until it is determined that the state of receiving has deteriorated, and upon such a determination switching from the reproduction of the broadcast program to the reproduction of the program data. This configuration enables the mobile terminal to continue to receive information identical in content from an alternate source when the signal from the original source has deteriorated.

In contrast to the present invention as recited in new independent claim 14, Noreen teaches an interactive system and method for use with broadcast media (e.g. radio or television broadcast). In particular, while listening or viewing program segments of the media broadcast, a subscriber manually selects program segments of interest (e.g., individual musical selections, advertisements or the like) by pressing an interactive radio control button on a mobile unit. In response, the mobile unit transmits the carrier frequency of the radio broadcast, the date and time, a geographical location (e.g., GPS data) of the vehicle, and a subscriber identification signal to a network operation center using a wireless transmitter. A database is subsequently accessed, the database provides information pertaining to the selected program segment, and the information is provided *for later retrieval by the subscriber via the internet using, for example, a home or office computer* (see abstract). Specifically, the content of the program segment received by the mobile unit (such as songs or commercials) is *different* from the information distributed via the communication network (such as song names or product information) (see paragraph 0046).

In summary, Noreen teaches a system/method in which the user manually requests information related to a program segment, and can later retrieve the requested information via a different component (i.e., not the mobile unit). Thus, the following differences between the present invention as recited in independent claim 14 and the Noreen reference become evident.

(1) Noreen teaches that upon a manual and voluntary request operation (pressing of an interactive radio control button by a user), program information is obtained. However, Noreen does not teach or even suggest a state determining section operable to determine whether a reception state of the broadcast program is a deteriorated reception state, *and* a reproducing section operable to switch from reproduction of the broadcast program to reproduction of program data upon a determination that the reception state of the broadcast program has become the deteriorated reception state.

(2) Noreen teaches that the requested information describing the program segment is transmitted to a home or office computer for later retrieval by the user (i.e., the requested information is not sent to the mobile unit, but rather a different component such as a computer terminal).

However, Noreen does not teach or even suggest a communication section *of the mobile terminal* operable to receive program data identical in content to the broadcast program.

(3) Noreen teaches that the requested information *relates to* (e.g., identifies or describes) the program segment in some manner (e.g., song name/song or product information/commercial). However, Noreen does not teach or even suggest a communication section that is operable to receive, from a program distribution center, program data that is *identical in content* to the broadcast program.

In view of the above, it is respectfully submitted that the Noreen reference does not anticipate or even render obvious the invention as recited in independent claim 14. Furthermore, because the Higuchi reference and the Suda reference also do not, either alone or in combination, teach or even suggest the state determining section, program information generating section, communication section, or reproducing section of the mobile terminal as recited in new independent claim 14, it is submitted that one of ordinary skill in the art would not be motivated by these references to modify the Noreen reference so as to obtain the invention of independent claim 14. Accordingly, it is respectfully submitted that independent claim 14 and the claims that depend therefrom are clearly patentable over the prior art of record.

New Claims 23-25 are Patentable Over the Prior Art of Record

New independent claim 23 recites a program reception controlling method performed by a mobile terminal, wherein the mobile terminal operates in the same manner as the mobile terminal recited in new claim 14 (i.e., receiving of a broadcast program; determining whether a reception state has become a deteriorated reception state; generating program information; receiving program data identical in content to the broadcast program; and reproducing the broadcast program until a determination is made that the reception state has become a deteriorated reception state and, upon such a determination, switching to reproducing the program data). Moreover, new independent claims 24 and 25 recite a computer program stored in a computer-readable recording medium for causing a mobile terminal to perform program reception control, and a program data signal for

causing a mobile terminal to perform program reception control, respectively, wherein new claims 24 and 25 include method steps identical to those recited in new claim 23.

For the same reasons discussed above, it is submitted that the Noreen reference does not anticipate or render obvious the invention as recited in independent method claims 23-25. Furthermore, because the Higuchi reference and the Suda reference also do not, either alone or in combination, teach or even suggest the determining of a deteriorated reception state, the generation of program information, the transmitting of the program information to a program distribution center, the transmitting from the program distribution center program data identical in content to the broadcast program received, or reproducing either the broadcast data or the program data according to the reception state as recited in new independent claims 23-25, it is submitted that one of ordinary skill in the art would not be motivated by these references to modify the Noreen reference so as to obtain the invention of independent claims 23-25. Accordingly, it is respectfully submitted that independent claims 23-25 are clearly patentable over the prior art of record.

In view of the above, it is submitted that the prior art of record does not anticipate or render obvious the mobile terminal as recited in new claims 14-25. Accordingly, it is respectfully submitted that new claims 14-25 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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